

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DINO RIKOS,	:	Case No. 1:11-cv-226
	:	
Plaintiff,	:	
	:	Judge Timothy S. Black
vs.	:	
	:	
THE PROCTER & GAMBLE CO.,	:	
	:	
Defendant.	:	

ORDER GRANTING DEFENDANT’S MOTION TO STAY DISCOVERY (Doc. 59)

This case is currently before the Court on Defendant’s Motion to Stay Discovery (Doc. 59) and the parties’ responsive memoranda (Doc. 61, Doc. 62). Defendant seeks a stay of all discovery in this matter pending the Court’s ruling on Defendant’s Motion to Strike the Class Allegations in Plaintiff’s First Amended Class Action Complaint (Doc. 58).¹

“Trial courts have broad discretion and inherent power to stay discovery until preliminary questions that may dispose of the case are determined.” *Hahn v. Star Bank*, 190 F.3d 708, 719 (6th Cir. 1999). Limitations on pretrial discovery are particularly appropriate “where claims may be dismissed based on legal determinations that could not have been altered by any further discovery.” *Gettings v. Bldg Laborers Local 310 Fringe Benefits Fund*, 349 F.3d 300, 304 (6th Cir. 2003) (internal quotations omitted). *See also* Fed. R. Civ. P. 26(b)(2)(C)(iii) (The Court must limit discovery if “the burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the case, the

¹ Defendant’s Motion to Expedite Briefing on the Motion to Stay (Doc. 60) is denied as moot.

amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.'").

The Court finds that Defendant's Motion to Strike (Doc. 58) presents preliminary legal questions that may or may not resolve the case. The downside of a brief delay in discovery pending a decision on the Motion to Strike is outweighed by the benefit to all of insuring a thorough evaluation of the Motion to Strike. Therefore, Defendant's motion is **GRANTED**, and all discovery is hereby **ORDERED STAYED**, pending the Court's ruling on Defendant's Motion to Strike (Doc. 58).

IT IS SO ORDERED.

Date: January 31, 2012

s/Timothy S. Black
Timothy S. Black
United States District Judge